

**§ 178m. Report to President and Congress**

The Secretaries shall submit to the President and the Congress, no later than December 31, 1980, and each year thereafter through 1987, a report on the status of the research, development, and other work underway under this subchapter. Such report shall (1) recommend specific directions for further research, development and other work, and (2) recommend funding levels for various elements of the overall project.

(Pub. L. 95-592, § 15, Nov. 4, 1978, 92 Stat. 2533; Pub. L. 98-284, § 14, May 16, 1984, 98 Stat. 184.)

**AMENDMENTS**

1984—Pub. L. 98-284 substituted “The Secretaries” for “The Secretary of Agriculture and the Secretary of Commerce” and “1987” for “1982”.

**§ 178n. Administration and funding****(a) Authorization of appropriations to Secretary of Agriculture**

There are authorized to be appropriated to the Secretary of Agriculture such sums as are necessary to carry out this subchapter in each of the fiscal years 1991 through 1997.

**(b) Administration and management**

No more than 3 per centum of funds authorized under subsection (a) of this section shall be available for administration and management of the program.

**(c) Contract authority as limited by amounts provided in appropriations acts**

Notwithstanding any other provision of this subchapter the authority to enter into contracts shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriations Acts.

**(d) Activities limited to critical materials other than native latex after fiscal 1988**

Notwithstanding any other provision of this subchapter, the Secretaries and the Joint Commission shall limit their activities under this subchapter to critical agricultural materials other than native latex after the close of the fiscal year ending September 30, 1988.

(Pub. L. 95-592, § 16, Nov. 4, 1978, 92 Stat. 2534; Pub. L. 98-284, § 15, May 16, 1984, 98 Stat. 184; Pub. L. 101-624, title XVI, § 1601(e), Nov. 28, 1990, 104 Stat. 3704; Pub. L. 104-127, title VIII, § 881(b), Apr. 4, 1996, 110 Stat. 1175.)

**AMENDMENTS**

1996—Subsec. (a). Pub. L. 104-127 substituted “1997” for “1995”.

1990—Subsec. (a). Pub. L. 101-624, § 1601(e)(1), added subsec. (a) and struck out former subsec. (a) which read as follows: “There is authorized to be appropriated to the Secretary of Agriculture \$2,500,000 for each of the fiscal years ending September 30, 1980, and September 30, 1981, \$5,000,000 for each of the fiscal years ending September 30, 1982, and September 30, 1983, \$5,000,000 for the fiscal year ending September 30, 1984, \$5,500,000 for the fiscal year ending September 30, 1985, \$6,500,000 for the fiscal year ending September 30, 1986, \$7,500,000 for the fiscal year ending September 30, 1987, and \$8,000,000 for the fiscal year ending September 30, 1988, to carry out the purposes of this subchapter. Funds appropriated under this paragraph shall be available for obligation until the last day of the fiscal year after the year for which such funds are authorized.”

Subsec. (b). Pub. L. 101-624, § 1601(e)(2)-(4), redesignated subsec. (c) as (b) and substituted “subsection (a)” for “subsections (a) and (b)”, and struck out former subsec. (b) which read as follows: “There is authorized to be appropriated to the Secretary of Commerce \$2,500,000 for each of the fiscal years ending September 30, 1980, and September 30, 1981, \$5,000,000 for each of the fiscal years ending September 30, 1982, and September 30, 1983, \$2,500,000 for the fiscal year ending September 30, 1984, \$3,000,000 for the fiscal year ending September 30, 1985, \$3,500,000 for the fiscal year ending September 30, 1986, \$4,000,000 for the fiscal year ending September 30, 1987, and \$4,500,000 for the fiscal year ending September 30, 1988, to carry out the purposes of this subchapter. Funds appropriated under this paragraph shall be available for obligation until the last day of the fiscal year after the year for which such funds are authorized.”

Subsecs. (c) to (e). Pub. L. 101-624, § 1601(e)(4), redesignated subsecs. (c) to (e) as (b) to (d), respectively.

1984—Subsec. (a). Pub. L. 98-284, § 15(a), inserted “\$5,000,000 for the fiscal year ending September 30, 1984, \$5,500,000 for the fiscal year ending September 30, 1985, \$6,500,000 for the fiscal year ending September 30, 1986, \$7,500,000 for the fiscal year ending September 30, 1987, and \$8,000,000 for the fiscal year ending September 30, 1988,” and struck out “and” after “1981.”.

Subsec. (b). Pub. L. 98-284, § 15(b), inserted “\$2,500,000 for the fiscal year ending September 30, 1984, \$3,000,000 for the fiscal year ending September 30, 1985, \$3,500,000 for the fiscal year ending September 30, 1986, \$4,000,000 for the fiscal year ending September 30, 1987, and \$4,500,000 for the fiscal year ending September 30, 1988,” and struck out “and” after “1981.”.

Subsec. (e). Pub. L. 98-284, § 15(c), added subsec. (e).

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in section 178c of this title.

**CHAPTER 9—PACKERS AND STOCKYARDS****SUBCHAPTER I—GENERAL DEFINITIONS**

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| Sec.<br>181.<br>182.<br>183. | Short title.<br>Definitions.<br>When transaction deemed in commerce; “State” defined. |
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**SUBCHAPTER II—PACKERS GENERALLY**

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| 191.<br>192.<br>193.<br><br><br><br>194.<br><br><br><br><br><br><br><br><br><br>195.<br>196.<br><br><br><br><br><br><br><br><br><br>197. | “Packer” defined.<br>Unlawful practices enumerated.<br>Procedure before Secretary for violations.<br>(a) Complaint; hearing; intervention.<br>(b) Report and order; penalty.<br>(c) Amendment of report or order.<br>(d) Service of process.<br>Conclusiveness of order; appeal and review.<br>(a) Filing of petition; bond.<br>(b) Filing of record by Secretary.<br>(c) Temporary injunction.<br>(d) Evidence.<br>(e) Action by court.<br>(f) Additional evidence.<br>(g) Injunction.<br>(h) Finality.<br>Punishment for violation of order.<br>Statutory trust established; livestock.<br>(a) Protection of public interest from inadequate financing arrangements.<br>(b) Livestock, inventories, receivables and proceeds held by packer in trust for benefit of unpaid cash sellers; time limitations; exempt packers; effect of dishonored instruments; preservation of trust benefits by seller.<br>(c) Definition of cash sale.<br>Statutory trust established; poultry.<br>(a) Protection of public interest from inadequate financing arrangements. |
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Sec.		Sec.	
	(b) Poultry, inventories, receivables and proceeds held by dealer in trust for benefit of unpaid cash sellers or poultry growers.	225.	Laws unaffected.
	(c) Effect of dishonored instruments.	226.	Powers of Interstate Commerce Commission unaffected.
	(d) Preservation of trust benefit by seller or poultry grower.	227.	Powers of Federal Trade Commission and Secretary of Agriculture.
	(e) Definition of cash sale.		(a) Omitted.
SUBCHAPTER III—STOCKYARDS AND STOCKYARD DEALERS			(b) Jurisdiction of Federal Trade Commission.
201.	“Stockyard owner”; “stockyard services”; “market agency”; “dealer”; defined.		(c) Limitation of Federal Trade Commission jurisdiction.
202.	“Stockyard” defined; determination by Secretary as to particular yard.		(d) Jurisdiction of Secretary of Agriculture except for poultry products.
203.	Activity as stockyard dealer or market agency; benefits to business and welfare of stockyard; registration; penalty for failure to register.		(e) Jurisdiction of Secretary of Agriculture regarding poultry products.
204.	Bond and suspension of registrants.		(f) Information to be included in annual reports.
205.	General duty as to services; revocation of registration.	228.	Authority of Secretary.
206.	Rates and charges generally; discrimination.		(a) Rules, regulations, and expenditures; appropriations.
207.	Schedule of rates.		(b) Deductions from proceeds for financing promotional, educational, and research activities.
	(a) Filing; public inspection.		(c) Budget estimate; testimony of Secretary before Congressional committees.
	(b) Detail required; form.		(d) Development and promulgation of rules governing hearings.
	(c) Changes.		(e) Definitions.
	(d) Rejection by Secretary.	228a.	Authority of Secretary to request temporary injunction or restraining order.
	(e) Determination of lawfulness; hearing; suspension.	228b.	Prompt payment for purchase of livestock.
	(f) Suspension of operations; compliance.		(a) Full amount of purchase price required; methods of payment.
	(g) Penalty.		(b) Waiver of prompt payment by written agreement; disclosure requirements.
	(h) Intentional violations; penalty.		(c) Delay in payment or attempt to delay deemed unfair practice.
208.	Unreasonable or discriminatory practices generally; rights of stockyard owner of management and regulation.	228b-1.	Final date for making payment to cash seller or poultry grower.
209.	Liability to individuals for violations; enforcement generally.		(a) Delivery of full amount due.
210.	Proceedings before Secretary for violations.		(b) Delay or attempt to delay collection of funds as “unfair practice”.
	(a) Complaint; response; satisfaction or investigation.		(c) Definition of cash sale.
	(b) Complaints forwarded by agencies of a State or Territory.	228b-2.	Violations by live poultry dealers.
	(c) Inquiries instituted by Secretary.		(a) Written complaint by Secretary; hearing; intervention; amended complaint.
	(d) Damage to complainant not required.		(b) Report on findings of fact by Secretary; cease and desist order; assessment of civil penalty; action by Attorney General upon live poultry dealer’s failure to pay penalty.
	(e) Award and payment of damages.		(c) Amendment or setting aside of report or order.
	(f) Enforcement of orders.		(d) Service of complaints, orders, and other processes.
211.	Order of Secretary as to charges or practices; prescribing rates and practices generally.	228b-3.	Judicial review of order regarding live poultry dealer.
212.	Prescribing rates and practices to prevent discrimination between intrastate and interstate commerce.		(a) Finality of order unless appeal to court of appeals; time limit; bond.
213.	Prevention of unfair, discriminatory, or deceptive practices.		(b) Notification of appeal to Secretary; filing of record with court.
214.	Effective date of orders.		(c) Issuance of temporary injunction.
215.	Failure to obey orders; punishment.		(d) Evidence in record as evidence in case; expedited proceedings.
216.	Proceedings to enforce orders; injunction.		(e) Action by court.
217.	Proceedings for suspension of orders.		(f) Taking of additional evidence; modified or additional findings by Secretary.
217a.	Fees for inspection of brands or marks.		(g) Affirmance or modification of order as injunction.
	(a) Authorization by Secretary; registration as market agency.	228b-4.	Violation of final order by live poultry dealer; penalty.
	(b) Applicability of section.	228c.	Federal preemption of State and local requirements.
	(c) Collection and payment of charges.	229.	Separability.
	(d) Revocation of authorization or registration.		
SUBCHAPTER IV—LIVE POULTRY DEALERS AND HANDLERS			
218 to 218d.	Repealed.		
SUBCHAPTER V—GENERAL PROVISIONS			
221.	Accounts and records of business; punishment for failure to keep.		
222.	Federal Trade Commission powers adopted for enforcement of chapter.		
223.	Responsibility of principal for act or omission of agent.		
224.	Attorney General to institute court proceedings for enforcement.		

Sec.

## SUBCHAPTER VI—CHARGE FOR INSPECTION

231. Omitted.

## TRANSFER OF FUNCTIONS

Functions of Bureau of Animal Industry transferred to Secretary of Agriculture by 1947 Reorg. Plan No. 1, § 301, eff. July 1, 1947, 12 F.R. 4534, 61 Stat 952. See note set out under section 391 of this title.

By order of Secretary of Agriculture, Packers and Stockyards Administration abolished on July 1, 1927, and enforcement of Packers and Stockyards Act of 1921, which is classified to this chapter, was put under control of chief of Bureau of Animal Industry.

## CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 11 section 525; title 15 sections 45, 1607, 1681s, 1691c, 1692i; title 28 section 2342.

## SUBCHAPTER I—GENERAL DEFINITIONS

## § 181. Short title

This chapter may be cited as the “Packers and Stockyards Act, 1921.”

(Aug. 15, 1921, ch. 64, title I, § 1, 42 Stat. 159.)

## SHORT TITLE OF 1987 AMENDMENT

Pub. L. 100-173, § 1, Nov. 23, 1987, 101 Stat. 917, provided that: “This Act [enacting sections 197 and 228b-1 to 228b-4 of this title, amending sections 182, 192, 209, 221, 223, 227, and 228a of this title, repealing sections 218 to 218d of this title, and enacting provisions set out as notes under sections 182 and 227 of this title] may be cited as the ‘Poultry Producers Financial Protection Act of 1987.’”

## § 182. Definitions

When used in this chapter—

(1) The term “person” includes individuals, partnerships, corporations, and associations;

(2) The term “Secretary” means the Secretary of Agriculture;

(3) The term “meat food products” means all products and byproducts of the slaughtering and meat-packing industry—if edible;

(4) The term “livestock” means cattle, sheep, swine, horses, mules, or goats—whether live or dead;

(5) The term “livestock products” means all products and byproducts (other than meats and meat food products) of the slaughtering and meat-packing industry derived in whole or in part from livestock;

(6) The term “poultry” means chickens, turkeys, ducks, geese, and other domestic fowl;

(7) The term “poultry product” means any product or byproduct of the business of slaughtering poultry and processing poultry after slaughter;

(8) The term “poultry grower” means any person engaged in the business of raising and caring for live poultry for slaughter by another, whether the poultry is owned by such person or by another, but not an employee of the owner of such poultry;

(9) The term “poultry growing arrangement” means any growout contract, marketing agreement, or other arrangement under which a poultry grower raises and cares for live poultry for delivery, in accord with another’s instructions, for slaughter;

(10) The term “live poultry dealer” means any person engaged in the business of obtaining live poultry by purchase or under a poultry growing arrangement for the purpose of either slaughtering it or selling it for slaughter by another, if poultry is obtained by such person in commerce, or if poultry obtained by such person is sold or shipped in commerce, or if poultry products from poultry obtained by such person are sold or shipped in commerce; and

(11) The term “commerce” means commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory or possession, or the District of Columbia.

(Aug. 15, 1921, ch. 64, title I, § 2(a), 42 Stat. 159; Sept. 13, 1976, Pub. L. 94-410, § 3(c), 90 Stat. 1249; Nov. 23, 1987, Pub. L. 100-173, § 2, 101 Stat. 917.)

## CODIFICATION

Section is composed of subsec. (a) of section 2 of act Aug. 15, 1921. Subsec. (b) of section 2 is classified to section 183 of this title.

## AMENDMENTS

1987—Pars. (6) to (11). Pub. L. 100-173 added pars. (6) to (10) and redesignated former par. (6) as (11).

1976—Pars. (4), (5). Pub. L. 94-410 substituted “live-stock” for “live stock” in par. (4) and for “live-stock” in par. (5).

## EFFECTIVE DATE OF 1987 AMENDMENT

Section 12 of Pub. L. 100-173 provided that: “This Act and the amendments made by this Act [enacting sections 197 and 228b-1 to 228b-4 of this title, amending this section and sections 192, 209, 221, 223, 227, and 228a of this title, repealing sections 218 to 218d of this title, and enacting provisions set out as notes under sections 181 and 227 of this title] shall take effect 90 days after the date of the enactment of this Act [Nov. 23, 1987].”

## SAVINGS PROVISION

Section 10 of Pub. L. 94-410 provided that: “Pending proceedings shall not be abated by reason of any provision of this Act [enacting sections 196 and 228a to 228c of this title and amending this section and sections 183, 191-193, 201, 204, 207, 209, 210, 212, 213, 228, and 229 of this title], but shall be disposed of pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended [this chapter], and the Act of July 12, 1943 [section 204 of this title], in effect immediately prior to the effective date of this Act [Sept. 13, 1976].”

## CROSS REFERENCES

Dealer, see section 201 of this title.

Definition of commerce as not limited by definition of transaction in commerce, see section 183 of this title.

Market agency, see section 201 of this title.

Packer, see section 191 of this title.

Stockyard, see section 202 of this title.

Stockyard owner, see section 201 of this title.

Stockyard services, see section 201 of this title.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 183 of this title; title 31 section 3903.

## § 183. When transaction deemed in commerce; “State” defined

For the purpose of this chapter (but not in anyway limiting the definition in section 182 of